

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

RONI A. BALLARD,
Plaintiff,

VS.

MICHELLE A. KING,
Acting Commissioner of the Social
Security Administration,¹

Defendant.

Case No. CIV-24-266-GLJ

OPINION AND ORDER

Claimant, Roni A. Ballard, is the prevailing party in this action under the Social Security Act. Claimant seeks an award of attorney's fees in the amount of \$7,178.60 for 28.6 hours of attorney work, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) [Docket No. 18, Ex. 1]. The time to respond to Claimant's motion has lapsed, and the Commissioner did not file a response in objecting to the relief requested therein.

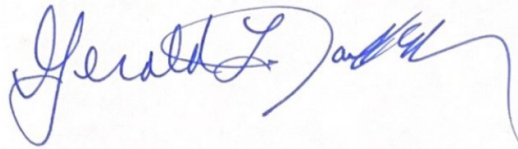
Upon review of the record herein, the Court finds that the requested amount is reasonable, and that the Commissioner should be ordered to pay it to Claimant as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) (“Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a),

¹ On January 20, 2025, Michelle A. King became the Acting Commissioner of Social Security. In accordance with Fed. R. Civ. P. 25(d), Ms. Colvin is substituted for Carolyn W. Colvin as the Defendant in this action.

incurred by that party in any civil action (other than cases sounding in tort)[.]”); *see also Manning v. Astrue*, 510 F.3d 1246, 1251 (10th Cir. 2007) (“The EAJA therefore permits attorney’s fees reimbursement to financially eligible prevailing parties, who make a proper application, and not to their attorneys.”).

Accordingly, IT IS ORDERED that Plaintiff’s Motion for Award of Attorney Fees Pursuant to the *Equal Access to Justice Act* [Docket No. 18] is hereby granted and that the Government is therefore ordered to pay the above-referenced amount to Claimant as the prevailing party herein. IT IS FURTHER ORDERED that if Claimant’s attorney is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b)(1), said attorney shall refund the smaller amount of such fees to Claimant pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED this 31st day of January 2025.



GERALD L. JACKSON
UNITED STATES MAGISTRATE JUDGE